

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

| | | |
|--------------------------|---|---------------------|
| LUIS FABELO, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil No. 05-228-ST |
| v. |) | |
| |) | ORDER |
| ANDREWS, ARNOLD, GORE, |) | |
| RODRIGUEZ, SHEBONDY, and |) | |
| TILDEN, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

Luis Fabelo
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Pro Se Plaintiff

Kathryn A. Cottrell
State of Oregon
Department of Justice
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Attorney for Defendants

KING, Judge:

The Honorable Janice Stewart, United States Magistrate Judge, filed Findings and Recommendation on July 31, 2006. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983); See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Stewart's Findings and Recommendation (#39).

IT IS HEREBY ORDERED that Defendants' Unenumerated 12B Motion to Dismiss for Failure to Exhaust (#33) is granted.

DATED this 28th day of August, 2006.

/s/ Garr M. King

GARR M. KING
United States District Judge